

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                 )                           4:07CR3031  
                                  )  
v.                            )  
                                  )                           MEMORANDUM AND ORDER  
ERIK OSORIO,                )  
                                  )  
Defendant.                 )

The government moves for an order deeming the defendant's pro se Motion for Appointment of New Counsel, filed in 4:06CR3049, (filing no. [65](#)), on December 1, 2009, as also filed in this case as of the date of filing. Filing No. [17](#). Upon review of the motion and defendant's pro se filing for new counsel, the government's motion will be granted.

Accordingly,

IT IS ORDERED:

- 1) The government's "Motion to Consider Defendant's Motion for Appointment of New Counsel in Companion Case as filed in Both Cases and for Tolling Speedy Trial Time," (filing no. [17](#)), is granted.
- 2) The defendant's pro se Motion for Appointment of New Counsel, filed in 4:06CR3049, (filing no. [65](#)), is deemed also filed in this case on December 1, 2009. Accordingly, the time between December 1, 2009 and the date of the court's ruling on defendant's motion for appointment of new counsel shall be excluded for speedy trial calculation purposes. [18 U.S.C. § 3161\(h\)\(1\)\(D\)](#).
- 2) The hearing on the defendant's motion for appointment of new counsel remains set to be held before the undersigned on January 15, 2010 at 11:00 a.m. in Courtroom 1, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

January 14, 2010.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge